REMARKS

Claims 1-26 are pending in the present application.

Claims 1-26 have been rejected.

Claims 6 and 19 have been cancelled.

Claims 1, 3, 4, 7, 10, 14, 16, 17, 20 and 23 are amended herein.

The Applicant respectfully requests reconsideration of Claims 1-5, 7-18 and 20-26, as amended.

In Sections 1 and 2 of the August 25, 2004 Office Action, the Examiner rejected Claims 1-6 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,671,259 to *He et al.* (hereafter, simply "*He*"). In Sections 3 and 4 of the August 25, 2004 Office Action, the Examiner rejected Claims 7-13 under 35 U.S.C. §103(a) as being unpatentable over the *He* reference in view of United States Patent Publication No. 20040039820 to *Colby et al.* (hereafter, simply "*Colby*"). In Section 5 of the August 25, 2004 Office Action, the Examiner rejected Claims 14-19 under 35 U.S.C. §103(a) as being unpatentable over the *He* reference in view of United States Patent No. 5,754,959 to *Ueno al.* (hereafter, simply "*Ueno*"). In Section 6 of the August 25, 2004 Office Action, the Examiner rejected Claims 20-26 under 35 U.S.C. §103(a) as being unpatentable over the *He* reference in view of the *Ueno* reference and further in view of the *Colby* reference.

The Applicant respectfully submits that the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) are moot in view of the amendments to the claims. The Applicant has amended Claim 1 to incorporate the limitations previously recited in cancelled Claim 6 and has amended Claim 14 to

incorporate the limitation previously recited in cancelled Claim 19. Claims 3, 4, 7, 10, 16, 17, 20

and 23 have been amended to correct their dependencies.

The Applicant respectfully disagrees with the Examiner's assertions regarding the teachings

of the *He* reference with respect to cancelled Claims 6 and 19. The limitations recited in cancelled

Claims 6 and 19 are now recited in amended Claims 1 and 14, respectively. The Applicant

respectfully asserts that amended Claims 1 and 14 recite patentable subject matter and directs the

Examiner's attention to amended Claim 1, which recites the unique and non-obvious limitations

emphasized below:

> 1.   (Original) A controller for allocating call identity values to call connections
> associated with a switch, said switch capable of handling call connections between
> calling devices and called devices on a plurality of trunk lines associated with said
> switch, said controller comprising:
>   N call application nodes capable of executing a plurality of identity server
> applications that allocate call identity values to said call connections, wherein a first
> one of said plurality of identity server applications is executed on a first one of said N
> call application nodes and is associated with a second one of said plurality of identity
> server applications executed on a second one of said N call application nodes
> separate from said first call application node, said first and second identity server
> applications thereby forming a load sharing group server application, and
> wherein said first identity server application comprises a first primary-backup group
> server application, wherein said first primary-backup group server application
> comprises a first primary identity server application executed on said first call
> application node and a first backup identity server application associated with said
> first primary identity server application and wherein said load sharing group server
> application receives a call identity request from a new call process being executed in
> said switch and selects one of said first and second identity server applications to
> allocate a call identity value to a new call connection associated with said call
> identity request according to a load distribution algorithm. (emphasis added)

The Applicant respectfully asserts that the limitations emphasized above are not disclosed, suggested

or even hinted at in the *He* reference.

Regarding cancelled Claim 6, the Examiner asserted that the *He* reference, at column 12,

lines 55-65, teaches that the first identify server application comprises a first primary-backup group

server application where the first primary-backup group server application comprises a first primary

identify server application associated with the first primary identity server application. The

Applicant respectfully disagrees with the Examiner's assertions regarding the Claim 6 limitations,

which are now part of Claim 1. The relevant text at column 12 of the *He* reference states:

> Additionally, with multiple LBS selectors, a second LBS selector can act as a backup
> to a first LBS selector. For instance, in a network with two LBS selectors F1 and B1,
> both LBS selectors can be configured to receive requests from the same client
> systems for the same LB servers. However, LBS selector F1 is active or operational
> and LBS selector is inactive although connected to the network. If LBS selector F1
> becomes inoperable, LBS selector B1 is activated and thereby quickly replaces the
> LBS selector F1. As a result, the network is once again operational within a matter of
> minutes instead of hours or days.

The Applicant notes that the first LBS selector and the second LBS selector, which the Examiner

asserts are equivalent to the Claim 1 limitation regarding a primary-backup group server application,

are multiple instances of the load-balancing server (LBS) selector 15 in FIGURE 1 of the *He*

reference.

The Applicant notes that the Claim 1 limitation regarding "said first identity server

application comprises a first primary-backup group server application, wherein said first primary-

backup group server application comprises a first primary identity server application executed on

said first call application node and a first backup identity server application associated with said first

primary identity server application" refers to <u>applications</u> (i.e., software), not server <u>machines</u>. In

Claim 1, the recited "N call application nodes" would be equivalent to the first and second LBS

selectors 15, but the primary-backup group server applications are not.

It is noted that Claim 1 states that the first primary-backup group server application

comprises "a first primary identity server application executed on said first call application node". If,

as the Examiner asserts, the first and second LBS selectors are equivalent to the first primary identity

server application and the first backup identity server application, then Claim 1 would require that

the first LBS selector be executed on a first call application node. Since the first LBS selector is a

machine, not software, it cannot be "executed" on a node. The Examiner's assertions lead to an

impossibility.

Thus, Claim 1 recites unique and non-obvious limitations that are not disclosed, suggested or

even hinted at in the *He* reference. Furthermore, the *Colby* and *Ueno* references do nothing to

overcome the shortcomings of the *He* reference. This being the case, Claim 1 contains subject matter

that is patentable over the *He*, *Colby* and *Ueno* references, either individually or in any combination

of two or more of the *He*, *Colby* and *Ueno* references. Furthermore, dependent Claims 2-5 and 7-13

depend from Claim 1 and recite all of the unique and non-obvious limitations recited in Claim 1.

Thus, Claims 2-5 and 7-13 are also patentable over the cited prior art references.

The Applicant notes that independent Claim 14 recites limitations that are analogous to the

unique and non-obvious limitations recited in Claim 1. This being the case, Claim 14 is patentable

over the *He*, *Colby* and *Ueno* references, either individually or in any combination of two or more of

those references. Finally, Claims 15-18 and 20-26 depend from Claim 14 and recite all of the unique

and non-obvious limitations recited in Claim 14. Thus, Claims 15-18 and 20-26 are also patentable

over the cited prior art references

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.
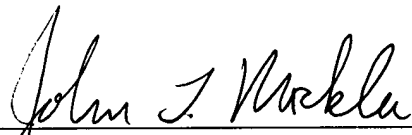
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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